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5 Attorneys for Defendants DAIMLERCHRYSLER
COMPANY LLC, formerly DAIMLERCHRYSLER
6 CORPORATION, and DAIMLERCHRYSLER
MOTORS COMPANY LLC
7

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 SHELLEY P. ROBINSON; and ELIZAVETA M.
HUNSINGER, by and through her Conservator
13 IVAN J. HUNSINGER,

14 Plaintiffs,

15 v.

16 DAIMLERCHRYSLER AG;
DAIMLERCHRYSLER MOTORS COMPANY
17 LLC; DAIMLERCHRYSLER CORPORATION;
and DOES One through Fifty, inclusive,
18

19 Defendants.
20

CASE NO. C 07-03258 SC

**DEFENDANT DAIMLERCHRYSLER
COMPANY LLC AND
DAIMLERCHRYSLER MOTORS
COMPANY LLC'S NOTICE OF
FILING NOTICE TO ADVERSE
PARTY OF REMOVAL**

21 TO THE CLERK OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT
22 OF CALIFORNIA:

23 PLEASE TAKE NOTICE that on June 20, 2007, Defendants DAIMLERCHRYSLER
24 COMPANY LLC, formerly DAIMLERCHRYSLER CORPORATION, and
25 DAIMLERCHRYSLER MOTORS COMPANY LLC, filed and served a Notice to Adverse Party
26 of Removal and Jury Demand.


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1 Attached hereto is a true and correct copy of the Notice to Adverse Party of Removal and Jury
2 Demand, without the attachments, which were already filed in this Court and served, and with
3 the proof of service of such Notice to Adverse Party of Removal and Jury Demand.

4 DATED: June 21, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

5
6 By: 

Micki S. Singer

Jennifer B. Bonneville

Attorneys for Defendants

DAIMLERCHRYSLER COMPANY LLC, formerly

DAIMLERCHRYSLER CORPORATION, and

DAIMLERCHRYSLER MOTORS COMPANY LLC

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8 Attorneys for Defendants DAIMLERCHRYSLER
9 COMPANY LLC, formerly DAIMLERCHRYSLER
10 CORPORATION, and DAIMLERCHRYSLER
11 MOTORS COMPANY LLC

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 CITY AND COUNTY OF CONTRA COSTA

14 SHELLEY P. ROBINSON; and ELIZAVETA M.
15 HUNSINGER, by and through her Conservator
16 IVAN J. HUNSINGER,

17 Plaintiffs,

18 v.

19 DAIMLERCHRYSLER AG;
20 DAIMLERCHRYSLER MOTORS COMPANY
21 LLC; DAIMLERCHRYSLER CORPORATION;
22 and DOES One through Fifty, inclusive,

23 Defendants.

CASE NO. 07-00998

NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT
AND JURY DEMAND

BY FAX

24 TO THE CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
25 FOR THE COUNTY OF CONTRA COSTA, AND TO PLAINTIFFS SHELLEY R.
26 ROBINSON; and ELIZAVETA M. HUNSINGER, by and through her Conservator IVAN J.
27 HUNSINGER AND THEIR ATTORNEYS OF RECORD:

28 PLEASE TAKE NOTICE that Defendants DAIMLERCHRYSLER COMPANY LLC,
formerly DAIMLERCHRYSLER CORPORATION, and DAIMLERCHRYSLER MOTORS
COMPANY LLC removed the above-entitled action to the United States District Court for the
Northern District of California – Oakland Division, pursuant to a Notice of Removal of Action

FILED

2007 JUN 21 A 10:37

K. TORRES, CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CALIF.

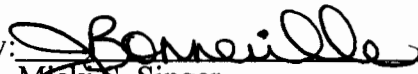
BY _____
D. Wagner, Deputy Clerk

1 Under 28 U.S.C. § 1441(b) (Diversity) and Demand for Jury Trial filed on or about June 20,
2 2007, with the Office of the Clerk of the United States District Court for the Northern District of
3 California -- Oakland Division.

4 A true and correct copy of said Notice of Removal is attached hereto and is served and
5 filed herewith.

6 DATED: June 21, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

7
8 By: 
9 Micki S. Singer
10 Jennifer B. Bonneville
11 Attorneys for Defendants
12 DAIMLERCHRYSLER COMPANY LLC,
13 formerly DAIMLERCHRYSLER
14 CORPORATION, and DAIMLERCHRYSLER
15 MOTORS COMPANY LLC
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5 Attorneys for Defendants DAIMLERCHRYSLER
COMPANY LLC, formerly DAIMLERCHRYSLER
6 CORPORATION, and DAIMLERCHRYSLER
MOTORS COMPANY LLC
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ORIGINAL
FILED
JUN 20 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

SC

11
12 SHELLEY P. ROBINSON; and ELIZAVETA M.
HUNSINGER, by and through her Conservator
13 IVAN J. HUNSINGER,

14 Plaintiffs,

15 v.

16 DAIMLERCHRYSLER AG;
DAIMLERCHRYSLER MOTORS COMPANY
17 LLC; DAIMLERCHRYSLER CORPORATION;
and DOES One through Fifty, inclusive,
18

19 Defendants.

07 CASE NO.

3258

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(b)
(DIVERSITY) AND JURY TRIAL
DEMAND AND CERTIFICATE
PURSUANT TO CIV.L.R. 3-16**

20
21 TO THE CLERK OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF
22 CALIFORNIA:

23 PLEASE TAKE NOTICE THAT Defendants DaimlerChrysler Company LLC, formerly
24 DaimlerChrysler Corporation and DaimlerChrysler Motors Company LLC ("Defendants") hereby
25 remove to this Court the action described below.

26 1. On May 11, 2007, an action was commenced in the Superior Court of the State of
27 California in and for the County of Contra Costa, entitled Shelley P. Robinson; and Elizaveta M.
28 Hunsinger, by and through her Conservator Ivan J. Hunsinger, v. DaimlerChrysler AG;

1 DaimlerChrysler Motors Company LLC; DaimlerChrysler Corporation; and Does One through
2 Fifty, inclusive, Superior Court Case No. 07-00998. A true and correct copy of the Complaint is
3 attached hereto as **Exhibit A**.

4 2. The first date upon which Defendants received a copy of the complaint was
5 May 24, 2007, when Defendants' agent for service process, CT Corporation System, received by
6 process server the Summons, Complaint, Notice of Case Management Conference, Notice to
7 Defendants in Unlimited Jurisdiction Civil Cases, Case Management Statement Form, Stipulation
8 Form regarding Alternative Dispute Resolution, and Alternative Dispute Resolution Information
9 Sheet. True and correct copies of the Summons, Civil Cover Sheet, Notice of Case Management
10 Conference, Notice to Defendants in Unlimited Jurisdiction Civil Cases, Case Management
11 Statement Form, Stipulation Form regarding Alternative Dispute Resolution, and Alternative
12 Dispute Resolution Information Sheet are attached hereto as **Exhibit B**.

13 3. Defendants filed an answer to the complaint on June 20, 2007. A true and correct
14 copy of the answer is attached hereto as **Exhibit C**.

15 4. Defendants are informed and believe that Plaintiff SHELLEY R. ROBINSON was,
16 at the time of the filing of this action, and still is, a citizen of the State of California.

17 5. Defendants are informed and believe that Plaintiff ELIZAVETA M. HUNSINGER
18 was, at the time of the filing of this action, and still is, a citizen of the State of California

19 6. Defendants are informed and believe that Defendant DAIMLERCHRYSLER AG
20 was, at the time of the filing of this action, and still is, a foreign corporation, with its principal
21 place of business in Stuggart, Germany.

22 7. Defendant DAIMLERCHRYSLER COMPANY LLC, formerly
23 DAIMLERCHRYSLER CORPORATION was at the time of the filing of this action, and still is, a
24 limited liability company pursuant to the laws of the State of Delaware, with its principal place of
25 business in Auburn Hills, Michigan.

26 8. Defendant DAIMLERCHRYSLER MOTORS COMPANY LLC was at the time of
27 the filing of this action, and still is a limited liability company pursuant to the laws of the State of
28 Delaware, with its principal place of business in Auburn Hill, Michigan.

JURISDICTION

9. This action may be removed to this Court pursuant 28 U.S.C. § 1441(b) because this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and Plaintiffs and Defendants are citizens of different states.

10. The matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. The case arises out of a roll-over motor vehicle accident in which Shelley P. Robinson and plaintiff Elizaveta M. Hunsinger both sustained "severe and catastrophic injuries, including but not limited to quadriplegia" in the crash and seek past and future medical and hospital expenses, lost earnings and loss of earning capacity, as well as general damages. (Complaint 8:22-24; 15:23-26; 20:9-11).

11. For the reasons set forth above, the Court has original jurisdiction over all plaintiffs. In the alternative, however, to the extent the court concludes that any of the plaintiffs do not satisfy the amount in controversy requirement of 28 U.S.C. §1302 (a), jurisdiction over this action would still be proper pursuant to 28 U.S.C. §1367. (See Gibson v DaimlerChrysler Corporation, 261 F.3d 927 (9th Cir. 2001))

12. This removal is timely, having been made within thirty days of the service of the Summons and Complaint on Defendants. 28 U.S.C. § 1446(b).

INTRADISTRICT ASSIGNMENT

13. Assignment to this Court is proper as the action is pending in Contra Costa County Superior Court.

14. The presence of Doe Defendants in this case has no bearing on diversity with respect to removal. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded. 28 U.S.C. § 1441(a).

15. Defendants reserve the right to amend or supplement this Notice of Removal.

16. All Defendants who have been served consent to this removal. (See Lewis V. Rego Company, 757 F.2d 66; 68 (3rd Cir. 1985)) Defendant DaimlerChrysler AG has not been served.

1 17. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with
2 the Clerk of the Superior Court of the State of California, in and for the County of Contra Costa.

3 18. Pursuant to 28 U.S.C. § 1446(d), Defendants have served Plaintiffs with a Notice to
4 State Court and Adverse Party of Removal to Federal Court and Jury Demand.

5 WHEREFORE, Defendants DAIMLERCHRYSLER COMPANY LLC, formerly
6 DAIMLERCHRYSLER CORPORATION, and DAIMLERCHRYSLER MOTORS COMPANY
7 LLC hereby removes the action now pending against it in the Superior Court of California,
8 County of Contra Costa.

9 **JURY DEMAND**

10 DAIMLERCHRYSLER COMPANY LLC, formerly DAIMLERCHRYSLER
11 CORPORATION, and DAIMLERCHRYSLER MOTORS COMPANY LLC hereby demand trial
12 by jury of all issues appropriate for jury determination.

13
14 DATED: June 20, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

15
16
17 By: _____

Micki S. Singer

Jennifer B. Bonneville

Attorneys for Defendants

DAIMLERCHRYSLER COMPANY LLC, formerly

DAIMLERCHRYSLER CORPORATION, and

DAIMLERCHRYSLER MOTORS COMPANY LLC

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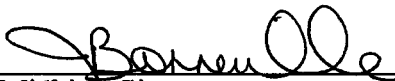
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CERTIFICATE PURSUANT TO CIV. L.R. 3-16

Pursuant to this Court's Civil Local Rule 3-16, the undersigned certifies that, as of this date, other than the named parties to this action, there is no such interest to report.

DATED: June 20, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: 
Micki S. Singer
Jennifer B. Bonneville
Attorneys for Defendants
DAIMLERCHRYSLER COMPANY LLC, formerly
DAIMLERCHRYSLER CORPORATION, and
DAIMLERCHRYSLER MOTORS COMPANY LLC

1 *Robinson, et al. v. DaimlerChrysler AG, et al.*

2 Conta Costa County Superior Court, Case No. C07-00998

3 **PROOF OF SERVICE**

4 I am a resident of the State of California, over the age of eighteen years, and not a party to
5 the within action. My business address is Sedgwick, Detert, Moran & Arnold LLP, One Market
6 Plaza, Steuart Tower, 8th Floor, San Francisco, California 94105. On June 20, 2007, I served the
7 within document(s):

8 **NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT
9 AND JURY DEMAND**

- 10 ☐ FACSIMILE - by transmitting via facsimile the document(s) listed above to the
11 fax number(s) set forth on the attached Telecommunications Cover Page(s) on this
12 date before 5:00 p.m.
- 13 ☒ MAIL - by placing the document(s) listed above in a sealed envelope with postage
14 thereon fully prepaid, in the United States mail at San Francisco, California
15 addressed as set forth below.
- 16 ☐ PERSONAL SERVICE - by personally delivering the document(s) listed above to
17 the person(s) at the address(es) set forth below.
- 18 ☐ OVERNIGHT COURIER - by placing the document(s) listed above in a sealed
19 envelope with shipping prepaid, and depositing in a collection box for next day
20 delivery to the person(s) at the address(es) set forth below via .

21 R. Lewis Van Blois, Esq.
22 Thomas C. Knowles, Esq.
23 Law Office of Van Blois & Associates
24 Airport Corporate Centre
25 7677 Oakport Street, Suite 565
26 Oakland, CA 94621
27 Telephone: 510/635-1284
28 Facsimile: 510/635-1516

Attorneys For Plaintiffs

20 I am readily familiar with the firm's practice of collection and processing correspondence
21 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
22 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
23 motion of the party served, service is presumed invalid if postal cancellation date or postage
24 meter date is more than one day after date of deposit for mailing in affidavit.

25 I declare under penalty of perjury under the laws of the State of California that the above
26 is true and correct. Executed on June 20, 2007, at San Francisco, California.

27 
28 Kathleen McNulty

1 *Robinson, et al. v. DaimlerChrysler AG, et al.*

2 United States District Court, Northern District of California, Case No. C 07-03258 SC

3 **PROOF OF SERVICE**

4 I am a resident of the State of California, over the age of eighteen years, and not a party to
the within action. My business address is Sedgwick, Detert, Moran & Arnold LLP, One Market
5 Plaza, Steuart Tower, 8th Floor, San Francisco, California 94105. On June 21, 2007, I served the
within document(s):

6 **DEFENDANT DAIMLERCHRYSLER COMPANY LLC AND**
7 **DAIMLERCHRYSLER MOTORS COMPANY LLC'S NOTICE OF**
8 **FILING NOTICE TO ADVERSE PARTY OF REMOVAL**

- 9 ☐ FACSIMILE - by transmitting via facsimile the document(s) listed above to the
fax number(s) set forth on the attached Telecommunications Cover Page(s) on this
date before 5:00 p.m.
- 10 ☒ MAIL - by placing the document(s) listed above in a sealed envelope with postage
thereon fully prepaid, in the United States mail at San Francisco, California
11 addressed as set forth below.
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the person(s) at the address(es) set forth below.
- 13 ☐ OVERNIGHT COURIER - by placing the document(s) listed above in a sealed
14 envelope with shipping prepaid, and depositing in a collection box for next day
delivery to the person(s) at the address(es) set forth below via .

15 R. Lewis Van Blois, Esq.
16 Thomas C. Knowles, Esq.
Law Office of Van Blois & Associates
17 Airport Corporate Centre
7677 Oakport Street, Suite 565
18 Oakland, CA 94621

Attorneys For Plaintiffs

19
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for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
21 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
motion of the party served, service is presumed invalid if postal cancellation date or postage
22 meter date is more than one day after date of deposit for mailing in affidavit.

23 I declare that I am employed in the office of a member of the bar of this court at whose
direction the service was made.

24 Executed on June 21, 2007, at San Francisco, California.

25 
26 Kathleen McNulty